

### **REMARKS**

The Examiner has rejected claims 8, 11, 20, 22 and 24-28, 30, 32-38, 40-46 and 48 pending in the present application. By the present amendment, claim 48 has been amended, and new claims 49-51 have been added. After the present amendment, claims 8, 11, 20, 22 and 24-28, 30, 32-38, 40-46 and 48-51 remain pending in the present application. For the reasons stated below, applicant respectfully requests reconsideration and allowance of the pending claims.

#### **A. Rejection of Claim 48 Under 35 USC §112, ¶ 2**

The Examiner has rejected claim 48, under 35 USC §112, ¶ 2, for insufficient antecedent bases. By the present amendment, applicant has amended claim 48 to depend from claim 24 rather than claim 11. Applicant respectfully submits that the Examiner's rejection of claim 24 has been overcome.

#### **B. Rejection of Claim 48 Under 35 USC §103(a)**

The Examiner has rejected claim 48, under 35 USC §103(a), as being unpatentable over Maeda (USPN 6,003,001) (hereinafter "Maeda '001") in view of Ertem, et al. (USPN 6,453,289) (hereinafter "Ertem '289"), and further in view of Benyassine, et al. (USPN 6,636,829) ("Benyassine '829"). Applicant respectfully disagrees. First, for the reasons stated in Section C below, applicant respectfully submits that claim 48 should be allowed at least for the same reasons claim 8 is allowable, because claim 48 depends from claim 8. Second, and more importantly, Benyassine '829 is not a prior art patent under 102(e)/103(a), because according to

35 USC § 103(c), Benyassine '829 does not qualify as a prior art patent for the purpose of Examiner's rejection under 35 USC § 103(a). 35 USC § 103(c) reads as follows:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. (emphasis added.)

Applicant respectfully submits that the Benyassine '829 patent and the present application were subject to an obligation of assignment to Conexant Systems, Inc., at the time the invention was made. As shown in the USPTO assignment records, the Benyassine '829 patent was assigned by the inventors to Conexant Systems, Inc. in July 2000, and recorded on July 14, 2000 under Reel/Frame Nos. 010945/0499 in the USPTO. Further, the present application was assigned by the inventor to Conexant Systems, Inc. in August 2000, and recorded on August 21, 2000 under Reel/Frame Nos. 011038/0752 in the USPTO.

Accordingly, as acknowledged by the Examiner, Maeda '001 and Ertem '289 fail to render claim 48 obvious, and claim 48 should now be allowed.

**C. Rejection of Claims 8, 11, 20, 22 and 24-47 Under 35 USC §103(a)**

The Examiner has rejected claims 8, 11, 20, 22 and 24-47 under 35 USC §103(a) as being unpatentable over Maeda '001 in view of Ertem '289. For the reasons that follow, applicant respectfully disagrees and kindly submits that the present invention, as defined by independent claims 8, 20, 32 and 40, is patentably distinguishable over the cited references of record, considered either solely or in combination.

Independent claim 8 recites a method for classifying a speech signal having a background noise portion with background noise level, the method comprises the steps of: “extracting a parameter from the speech signal; estimating a noise component of the parameter; removing the noise component from the parameter to generate a noise-free parameter; selecting a pre-determined threshold, wherein the step of selecting said pre-determined threshold is unaffected by said background noise level; comparing the noise-free parameter with said pre-determined threshold; and associating the speech signal with a class in response to the comparing step.”

The Examiner acknowledges that Maeda ‘001 fails to disclose “estimating a noise parameter and removing the noise component from the parameter to generate a noise-free parameter”, as specified by claim 8. However, the Examiner cites Ertem ‘289, stating that the “noise reduction algorithm” implemented in a pre-compression mode, as disclosed in Ertem ‘289, corresponds to “estimating a noise parameter and removing the noise component from the noise parameter to generate a noise-free parameter” as specified by claim 8. Applicant respectfully disagrees.

As noted by the Examiner, Ertem ‘289 is directed to a “noise reduction algorithm” implemented in a pre-compression mode, and with reference to Figures 1 and 3 of Ertem ‘289, “Noise Reduction” block 20 is carried out prior to “Encoder” block 22 in Figure 1 of Ertem ‘289 and prior to “Encoder” block 36 in Figure 3 of Ertem ‘289. As such, Ertem ‘289 specifically distinguishes between noise reduction and the compression or coding portion, and thus, in pre-compression mode, Ertem ‘289 carries out noise reduction prior to encoding or compression. In sum, Ertem ‘289 does not teach, disclose or suggest that noise reduction is performed after speech parameter extraction, which occurs during coding, and on a parameter-basis. Thus,

combining the disclosures of Ertem '289 and Maeda '001 results in employing the noise reduction technique of Ertem '289 prior to the speech coding technique disclosed in Maeda '001. Neither Ertem '289 nor Maeda '001 suggests a *desirability of modifying the system of Maeda '001 to apply the background noise reduction of Ertem '289 after parameter extraction, on a parameter basis, and using a pre-determined threshold that is unaffected by noise to classify the speech signal.*

Independent claims 20, 32 and 40 have been rejected for reasons similar to those given for rejection of claim 8. Applicant respectfully submits that independent claims 20, 32 and 40, and their corresponding dependent claims 30, 33-38, and 41-46, are patentably distinguishable over Maeda '001 and Ertem '289 for at least the same reasons that claim 8 is distinguishable over Maeda '001 and Ertem '289. Accordingly, claims 20, 30, 32-38 and 40-46 should also now be allowed.

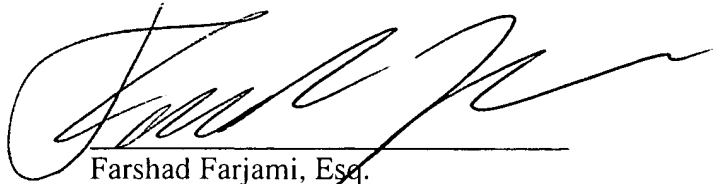
**D. New Claims**

By the present amendment, applicant has added new claims 49-51. Applicant respectfully submits that new claims 49-51 depend from claims 30, 34 and 42, respectively, and include limitations similar to those of claim 48. Accordingly, claims 49-51 should also be allowed for the reasons stated above in conjunction with patentability of their respective independent claim and claim 48.

E. Conclusion

For all the foregoing reasons, an early allowance of claims 8, 11, 20, 22 and 24-28, 30, 32-38, 40-46 and 48-51 pending in the present application are respectfully requested.

Respectfully Submitted;  
FARJAMI & FARJAMI LLP



Farshad Farjami, Esq.  
Reg. No. 41,014

Farshad Farjami, Esq.  
FARJAMI & FARJAMI LLP  
26522 La Alameda, Ave., Suite 360  
Mission Viejo, CA 92691  
Tel: (949) 282-1000  
Fax: (949) 282-1002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "First Class Mail Post Office to addressee" under 37 C.F.R. Sec. 1.10 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 11/23/04

Christina Carter  
Name

Christina Carter  
Signature